

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 5, 2004 (Paper No. 2). Upon entry of this response, claims 1-41 are pending in the application. Applicant respectfully requests that there be reconsideration of all pending claims.

1. **Request for Line Numbering of Claims**

The Examiner requests that "For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering." Applicant has therefore included the claims as originally filed, with line numbering added, in the "Amendments to the Claims" section of this response. However, no claims are amended in this response.

2. **Rejection of Claims 1, 6-7, 11-12, 16-18, 21, 24, 25-28, 29, 30, 34-36, and 40-41 under 35 U.S.C. §103**

Claims 1, 6-7, 11-12, 16-18, 21, 24, 25-28, 29, 30, 34-36, and 40-41 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of Official Notice. Applicant respectfully traverses these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. **Claim 1**

Applicant respectfully submits that claim 1 is allowable for at least the reason that the proposed combination of *Gelman* in view of Official Notice does not disclose, teach, or suggest at least the feature of "for each of multiple of the *virtual computer systems*, communicating with

a second remote computer system on behalf of that virtual computer system,” as recited in claim 1.

Gelman does not disclose, teach, or suggest using at least a “for each of multiple of the *virtual computer systems*, communicating with a second remote computer system on behalf of that virtual computer system.” *Gelman* discloses, at most, the use of virtual circuits between the source gateway application and the destination gateway application. “Information pertaining to the three segments, how they relate to each other, and how they relate to the original TCP connection is stored on each gateway in the framework of a virtual circuit (VC). A client VC 228 is initialized on the client gateway 222 when the client gateway 222 recognizes that a client 220 is attempting to make a TCP connection to a server 226. Data originally sent in TCP packets from the client 220 to the server 226 is sent on the client VC 228.” (Col. 15, line 65 to Col. 16, line 5). “WLP can support several different types of virtual circuits (VCs), including, but not limited to, unreliable, reliable using ARQ, and reliable using FEC. The type of VC used depends on the characteristics of both the wireless link and the data.” (Col. 20, lines 20-25).

The virtual circuit disclosed in *Gelman* is not the “virtual computer system” recited in claim 1. In the Specification, “virtual computers” are described as virtual rather than physical devices (Specification, p. 6, lines 6-8). A virtual computer is hosted by another computer, so that the virtual computer shares the resources of the host computer. (p. 6, lines 6-8). The host computer “virtualizes” the virtual computer so that to the user of a virtual computer, it appears as if the virtual computer was a physical device. (p. 6, lines 6-8). *Gelman* contains no discussion at all of virtual computers which appear to be physical devices but are not. Thus, *Gelman* fails to disclose, teach, or suggest every element of the Applicant’s claimed invention.

The Office Action takes Official Notice that “the concept of a gateway communicating on behalf of a virtual computer system with multiple remote computer systems is known and accepted in the art.” (Office Action, paragraph 6). The Office Action also states that “a gateway in communication with multiple remote computer systems... would increase the efficiency of *Gelman*’s system by allowing a gateway to manage multiple communication systems between virtual computer systems and multiple remote computer systems rather than a gateway for each communication system.” (Office Action, paragraph 6).

Applicant admits that extending a gateway which supports a single client and server to support multiple clients and servers would be obvious to one of ordinary skill in the art. However, Applicant respectfully disagrees with the Office Action assertion that a gateway communicating on behalf of a virtual computer system is known and accepted in the art. Therefore, Applicant respectfully asserts that the proposed combination of *Gelman* in view of Official Notice does not teach at least the claimed limitations of “for each of multiple of the virtual computer systems, communicating with a second remote computer system on behalf of that virtual computer system” as recited in claim 1. Since the proposed combination does not teach at least the above-described features recited in claim 1, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of Official Notice has not been made. Thus, claim 1 is not obvious under the proposed combination, and the rejection should be withdrawn.

Furthermore, Applicant respectfully traverses the Official Notice. Accordingly, if claim 1 continues to be rejected based upon information alleged to be well-known, Applicant respectfully requests that the Examiner, in a non-final Office Action, “cite a reference in support of his or her position” or provide an affidavit specifically stating the alleged “facts within the personal knowledge of the examiner” as the Examiner is required to do under MPEP § 2144.03.

b. Claims 12, 24, 27, 29, and 36

Applicant respectfully submits that claims 12, 24, 27, 29, and 36 are allowable for at least the reason that the proposed combination of *Gelman* in view of Official Notice does not disclose, teach, or suggest at least the feature of “virtual network addresses,” as recited in claims 12, 24, 27, 29, and 36.

Gelman discloses the use of virtual circuits between the source gateway application and the destination gateway application (Col. 15, line 65 to Col. 16, line 5). *Gelman* also discloses a gateway having multiple network addresses (FIG. 14), but no reference is made to the network addresses being “virtual” as recited in claims 12, 24, 27, 29, and 36. In contrast, Applicant’s specification makes several references to virtual addresses, for example: “each VCD [virtual computing device] has distinct virtual network address information, including a distinct DNS domain name 202 and a distinct virtual IP address 204, as well as one or more defined virtual users 206.” (Specification, p. 6, lines 5-7). *Gelman* contains no discussion at all of a computer “having an assigned network address and having multiple distinct associated virtual network addresses” as recited in claims 12, 24, 27, 29, and 36. Thus, *Gelman* fails to disclose, teach, or suggest every element of the Applicant’s claimed invention.

Therefore, Applicant respectfully asserts that the proposed combination of *Gelman* in view of Official Notice does not teach at least the claimed limitations of “virtual network addresses” as recited in claims 12, 24, 27, 29, and 36. Since the proposed combination does not teach at least the above-described features recited in claims 12, 24, 27, 29, and 36, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of Official Notice has not been made. Thus, claims 12, 24, 27, 29, and 36 are not obvious under the proposed combination, and the rejection should be withdrawn.

c. Claims 30, 34, and 35

Applicant respectfully submits that claims 30, 34, and 35 are allowable for at least the reason that the proposed combination of *Gelman* in view of Official Notice does not disclose, teach, or suggest at least the feature of “virtual domains,” as recited in claims 30, 34, and 35.

Gelman discloses the use of virtual circuits between the source gateway application and the destination gateway application (Col. 15, line 65 to Col. 16, line 5), but these are not the “virtual domains” recited in claims 30, 34, and 35. In contrast, Applicant’s specification contains several discussions of virtual domains. For example: “the facility is used by a computing device that hosts multiple virtual domains each having a distinct domain name and having one or more virtual user of the domain” (Specification, p. 10, lines 3-4); “each virtual domain also includes configuration information 446 for the domain (*e.g.*, a virtual domain name for the domain, a virtual IP address to which the virtual domain name is mapped, a list of users for the virtual domain)” (p. 10, line 25 to p. 11, line 14). *Gelman* contains no mention at all of “virtual domains” as recited in claims 30, 34, and 35. Thus, *Gelman* fails to disclose, teach, or suggest every element of Applicant’s claimed invention.

Therefore, Applicant respectfully asserts that the proposed combination of *Gelman* in view of Official Notice does not teach at least the claimed limitations of “virtual domains” as recited in claims 30, 34, and 35. Since the proposed combination does not teach at least the above-described features recited in claims 30, 34, and 35, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of Official Notice has not been made. Thus, claims 30, 34, and 35 are not obvious under the proposed combination, and the rejection should be withdrawn.

d. Claim 11

Applicant respectfully submits that claim 11 is allowable for at least the reason that the proposed combination of *Gelman* in view of Official Notice does not disclose, teach, or suggest at least the feature of “wherein the query for the source network address for the first communication socket is made by an operating system of the host computer system,” as recited in claim 11.

The Office Action asserts that *Gelman* discloses the above-recited limitation in col. 5, lines 38-48. Applicant respectfully disagrees. The cited passage discloses merely that “access to operating system or protocol source code is not required, so that the present invention may be used with proprietary third party operating systems and protocol implementations.” Nor can Applicant find anywhere in *Gelman* that teaches, discloses, or suggests “wherein the query for the source network address for the first communication socket is made by an operating system of the host computer system” as recited in claim 11. Thus, *Gelman* fails to disclose, teach, or suggest every element of the Applicant’s claimed invention.

Therefore, Applicant respectfully asserts that the proposed combination of *Gelman* in view of Official Notice does not teach at least the claimed limitations of “wherein the query for the source network address for the first communication socket is made by an operating system of the host computer system” as recited in claim 11. Since the proposed combination does not teach at least the above-described feature recited in claim 11, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of Official Notice has not been made. Thus, claim 11 is not obvious under the proposed combination, and the rejection should be withdrawn.

e. Claim 18

Applicant respectfully submits that claim 18 is allowable for at least the reason that the proposed combination of *Gelman* in view of Official Notice does not disclose, teach, or suggest at least the feature of “virtual network addresses are hosted by the computing device as a service to customers,” as recited in claim 18.

The Office Action asserts that *Gelman* discloses the above-recited limitation in col. 5, lines 5-8. Applicant respectfully disagrees. The cited passage discloses merely that “customers may be billed based on the number of packets sent, when they are sent, and what priority they are given.” Nor can Applicant find anywhere in *Gelman* that teaches, discloses, or suggests “virtual network addresses are hosted by the computing device as a service to customers” as recited in claim 18. Thus, *Gelman* fails to disclose, teach, or suggest every element of Applicant’s claimed invention.

Therefore, Applicant respectfully asserts that the proposed combination of *Gelman* in view of Official Notice does not teach at least the claimed limitations of “virtual network addresses are hosted by the computing device as a service to customers” as recited in claim 18. Since the proposed combination does not teach at least the above-described features recited in claim 18, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of Official Notice has not been made. Thus, claim 18 is not obvious under the proposed combination, and the rejection should be withdrawn.

f. Claims 6-7, 16-17, 21, and 25-26

Since claims 1, 12 and 24 are allowable, Applicant respectfully submits that claims 6-7, 16-17, 21, and 25-26 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore,

Applicant respectfully requests that the rejection of claims 6-7, 16-17, 21, and 25-26 be withdrawn.

3. Rejection of Claims 2-3, 22, 31, and 37 under 35 U.S.C. §103

Claims 2-3, 22, 31, and 37 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of *Raychaudhuri* (U.S. 4,745,599). Applicant respectfully traverses these rejections. Since claims 1, 12, 30, and 34 are allowable, Applicant respectfully submits that claims 2-3, 22, 31, and 37 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 2-3, 22, 31, and 37 be withdrawn.

4. Rejection of Claims 4-5, 8, 15, and 23 under 35 U.S.C. §103

Claims 4-5, 8, 15, and 23 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of Admitted Prior Art. Applicant respectfully traverses these rejections. Since claims 1 and 12 are allowable, Applicant respectfully submits that claims 4-5, 8, 15, and 23 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 4-5, 8, 15, and 23 be withdrawn.

5. Rejection of Claims 9, 19, and 38 under 35 U.S.C. §103

Claims 9, 19, and 38 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of *Sandelman et al.* (U.S. 6,717,513). Applicant respectfully traverses these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of

references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 9, 19, and 38

Applicant respectfully submits that claims 9, 19, and 38, as amended, are allowable for at least the reason that the proposed combination of *Gelman* in view of *Sandelman et al.* does not disclose, teach, or suggest at least the feature of “creating the message from the defined user of the virtual computer system with the user of the second remote computer system as a recipient,” as recited in claim 9, or “creating the message with the virtual user as a sender, with the user of the remote computing device as a recipient,” as recited in claim 19, or “creating the message with the one virtual user as a sender” as recited in claim 38.

Sandelman et al. teaches a message delivery system for reporting error conditions on monitored equipment. When an error condition is detected by equipment such as an air conditioner or heater, an interface 10 on the equipment sends a message to the message delivery server 1. (Col. 8, lines 50-65). The server 1 forwards the message to a user based on information in a user profile. For example, the message may be forwarded via email, fax, pager, voice-mail, *etc.* (Col. 9, lines 15-35). Importantly, *Sandelman et al.* discusses only one user – the recipient of the message. The sender of the message is not a user, but a piece of equipment.

In contrast, Applicant’s claimed invention, as defined by claims 9, 19, and 38, involves two users: one is the message creator and sender; the other is the recipient. Since messages in *Sandelman et al.* are created by computers, not users, *Sandelman et al.* does not disclose at least the above-described limitations.

The Office Action admits that *Gelman* does not disclose, teach, or suggest the above-described limitations in claims 9, 19, and 38. Accordingly, the proposed combination of *Gelman* in view of *Sandelman et al.* does not teach at least the above-described feature as recited in claims 9, 19, and 38. Since the proposed combination does not teach at least the above-described features recited in claims 9, 19, and 38, a *prima facie* case establishing an obviousness rejection by *Gelman* in view of *Sandelman et al.* has not been made. Thus, claims 9, 19, and 38 are not obvious under the proposed combination of *Gelman* in view of *Sandelman et al.*, and the rejection should be withdrawn.

6. Rejection of Claim 32 under 35 U.S.C. §103

Claim 32 has been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of *Delany et al.* (U.S. 6,658,454). Applicant respectfully traverses these rejections. Since claim 30 is allowable, Applicant respectfully submits that claim 32 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claim 32 be withdrawn.

7. Rejection of Claims 13 and 33 under 35 U.S.C. §103

Claims 13 and 33 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of *Gessel* (U.S. 5,889,954). Applicant respectfully traverses these rejections. Since claims 1 and 30 are allowable, Applicant respectfully submits that claims 13 and 33 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 13 and 33 be withdrawn.

8. Rejection of Claims 10, 20, and 39 under 35 U.S.C. §103

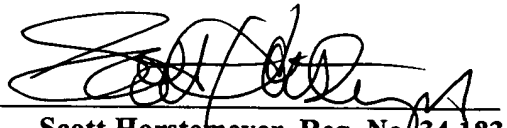
Claims 10, 20, and 39 have been rejected under §103(a) as allegedly obvious over *Gelman* (U.S. 6,415,329) in view of *Sandelman et al.* (U.S. 6,717,513) and in further view of *Delaney* (U.S. 6,658,454). Applicant respectfully traverses these rejections. Since claims 1, 12, and 36 are allowable, Applicant respectfully submits that claims 10, 20, and 39 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of claims 10, 20, and 39 be withdrawn.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-41 be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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